IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 25935 of 2007(K)

PETITIONER:

SREE NARAYANA PRARTHANA SAMITHI,
SOUTH ARYAD, ALAPPUZHA REPRESENTED BY ITS AD HOC
COMMITTEE CHAIRMAN M.S. BABU.

BY ADV. SRIR.AZAD BABU

RESPONDENTS:
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1. THE DISTRICT SUPERINTENDENT OF POLICE,
ALAPPUZHA.

2. CIRCLE INSPECTOR OF POLICE,
ALAPPUZHA NORTH.

3. SAINATH,
CHAIRMAN, JANAKEEYA SAMRAKSHANA SAMITHI, KSRTC
CONDUCTOR, SON OF SUDHAKARAN, NIKARTHIL HOUSE,
CLATH WARD, AVALOOKUNNU P.O., ALAPPUZHA-6.

4. MURALI G.,
CONVENOR, JANAKEEYA SAMRAKSHANA SAMITHI,
COIR FACTORY WORKER, KATHYAVELLI, DINKLIN JUNCTION
AVALOOKUNNU P.O., ALAPPUZHA-6.

5. XAVIER (MONICHAN),
COIR FACTORY WORKER, SON OF MANUVAL,
THOTTATHIL HOUSE, SOUTH ARYAD, AVALOOKUNNU P.O.,
ALAPPUZHA-6.

6. SUNNY JOSEPH,
COIR FACTORY WORKER, PADINJARE VEEDU,
IKYABHARATHAM, SOUTH ARYAD, AVALOOKUNNU P.O.,
ALAPPUZHA.

BY GOVT. PLEADER, SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE BYE LAWS OF THE SAMITHI.

EXT. P2: COPY OF THE LAND TAX RECEIPT.

EXT. P3: COPY OF THE REPRESENTATION SUBMITTED TO FIRST RESPONDENT DT. 15.6.2007.

/TRUE COPY/

P.A. TO JUDGE

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25935 of 2007-K

Judgment

Balakrishnan Nair, J.

The petitioner is a Prarthana Samithi. It is having an auditorium at South Aryad in Alappuzha district. Respondents 3 to 6 are causing obstruction to the functioning of the auditorium. They have erected a shed by the side of the auditorium and started sathyagraha there. In view of the said sathyagraha, the auditorium cannot be let out to the people of the locality for conducting marriage and other ceremonies. So, the petitioner has preferred Ext.P3 representation before the Police to remove the obstruction caused by respondents 3 to 6 to the functioning of the auditorium. A reading of Ext.P3 would show that a trust was functioning under the petitioner Prarthana Samithi, which received deposits from the public, owing to financial difficulties the deposits were not repaid and so, respondents 3 to 6 are agitating for refund of the deposits made by them. The learned Government Pleader submitted that the people are agitating because of the non-payment of the amounts received by the trust run by the petitioner Samithy, from them by way

of deposits. In view of the above position, we feel that this Court should not exercise its discretionary jurisdiction and order protection to the petitioner to function the auditorium. Against the obstruction caused by respondents 3 to 6, the petitioner can move the civil court and get appropriate orders. In view of the said alternative remedy available to the petitioner, we decline jurisdiction. Accordingly, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

09.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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